



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Franciscus Theodorus Cornelis GEERTS

Appl. No. 09/767,496

Filed: January 24, 2001

For: **A VEHICLE FOR DETERMINING THE  
CLIMATE**

Confirmation No. 2695

Art Unit: 2632

Examiner: Anh V. La

Atty. Docket: 04132.0096.PCUS00

**DECLARATION IN SUPPORT OF PETITION TO REVIVE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

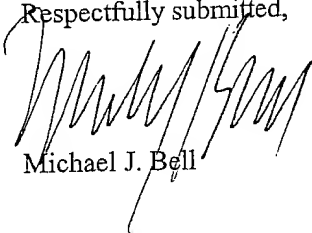
I, MICHAEL J. BELL, on information and belief state as follows:

1. I am a partner in the Washington, D.C. office of Intellectual Property practice group at the law firm of Howrey LLP.
2. Mr. Penrose Albright (now deceased) previously handled and is counsel of record for the above-referenced application for assignee Lely Research Holding AG.
3. Assignee was informed of Mr. Albright's death by letter from his son in November, 2007. This letter indicated that the entire law firm would be dissolved immediately due to Mr. Albright's death.
4. After review of the matters being handled by Mr. Albright, an attorney for the assignee contacted a partner in Howrey's Amsterdam office to discuss transferring responsibility for the above-referenced application to the Washington office of Howrey LLP.
5. I was contacted on January 30, 2008 by my partner to discuss transferring the responsibility of the application and physically obtaining the files from Mr. Albright's son as soon as possible.
6. After several attempts, I made contact with Mr. Albright's son by telephone on February 4, 2008. We arranged for Howrey personnel to pick up the physical files from Mr. Albright's former office as soon as possible.
7. On February 7, 2008, personnel from Howrey's docketing department met with Mr. Albright's son at his former office and began the transfer of the physical files, including the file related to the above-referenced application.
8. I received the above-referenced application on February 8, 2008.

9.      The file revealed that a Notice of Appeal to an outstanding Office Action was filed on April 23, 2003.
10.     The file further indicated that a Notice of Abandonment was issued on July 13, 2004.
11.     There is no record of the Notice of Abandonment being forwarded to the assignee.
12.     There is, however, correspondence from the assignee dated June 5, 2003 requesting prior counsel to file a Request for Continued Examination instead of an Appeal Brief.
13.     No Request for Continued Examination was filed and there is no indication in the file that prior counsel informed the assignee that he would not file a Request for Continued Examination.
14.     In fact, the file contains additional correspondence dated November 24, 2005 from the assignee to prior counsel requesting the status of the application seemingly assuming the application to be in good standing.
15.     On December 5, 2005, prior counsel informed assignee that he would be filing a Petition to Revive the application and would keep the assignee advised.
16.     Having not heard any additional comments from prior counsel, and again assuming that prior counsel had timely filed the promised Petition, assignee inquired about the status of the application on March 8, 2007.
17.     The assignee was awaiting a full update of the status when it was informed of Mr. Albright's death.
18.     When the file was transferred to and received by me, I informed the assignee that no Petition to Revive had been filed. The assignee informed me that it was not their intention to allow the application to go abandoned and acting on the promises made by prior counsel (with whom they had over a thirty year relationship), they assumed that a Petition to Revive had been filed. No explanation for the status of the application was in the file in response to their inquiry of 2007.

19. The assignee requested that I file a Petition to Revive as soon as practical.
20. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,

  
Michael J. Bell

Date:

3/4/08